



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlautdt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Dr. Billy K. Cannaday, Jr., Superintendent,
School Administration
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Update.**
- D. **Work Program – Review and Update.**
- E. **Action Relative to Additional Appointment(s) to Housing Committee.**
- F. **Discussion Relative to Commercial and Industrial Uses Project.**
- G. **Discussion Relative to Growth Management Retreat Items.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission amended the agenda to move the Work Program Review and Update to the end of the agenda and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Messrs. Allen and Hainley updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Ms. Peterson updated the Commission as to the status of, and staff's recommendation for, the zoning requests to be considered during the Evening Session, as well as the upcoming caseloads.

During discussion of the 7:00 p. m. Day's Agenda, Mr. Wilson stated the applicant was a current client of his law firm, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Case 04SN0310, Fox Creek Development, Inc., and excused himself from the meeting at approximately 12:50 p.m.

Upon conclusion of the discussion relative to Case 04SN0310, Fox Creek Development, Inc., Mr. Wilson returned to the meeting at approximately 12:51 p. m.

In conjunction with discussion of Case 05PD0101, Chesterfield County Public Schools, staff addressed concerns previously expressed by the Commission relative to the time frame within which Substantial Accord requests were submitted to the Planning Commission for action.

Upon conclusion of the discussion, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the Commission requested the Board of Supervisors amend the Substantial Accord Policy for Public Facilities to allow staff to notify the Planning Commission immediately upon receipt of a Substantial Accord application to allow the proposal to be acted upon within the same time period as a zoning change (100 days of the first date that the case appears on the Commission's agenda unless deferral is requested by the applicant).

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of the Planning Department Education Project, noting the project was completed.

Ms. Carter updated the Commission as to the status of the Chester Village Plan Amendment, noting staff anticipated bringing the draft Plan to the September Planning Commission meeting and, at that time, request the Commission to schedule a work session for their October 19, 2004, meeting, with the goal of a public hearing at their November 16, 2004, meeting.

Mr. Bowling updated the Commission as to the status of ongoing citizens meetings relative to the Upper Swift Creek Plan and Northern Area Plan Amendments.

D. DISCUSSION RELATIVE TO ADDITIONAL APPOINTMENT(S) TO HOUSING COMMITTEE.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission appointed Ms. Kathy Russell, Manager of the Greenleigh Mobile Home Park and Mr. Jason Livingston, a member of the Brandermill Community Association Board, to serve on the Housing Committee.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. DISCUSSION RELATIVE TO COMMERCIAL AND INDUSTRIAL USES PROJECT.

There was no discussion of the Commercial and Industrial Uses Project.

F. DISCUSSION RELATIVE TO GROWTH MANAGEMENT RETREAT ITEMS.

There was discussion relative to the June 25, 2004 Growth Management Retreat actions; direction from the Commission, at their July 20th meeting, to staff to establish retreat-related project work programs and timeframes; staff's recommendation that the Commission finalize study options and coordination of the retreat-related project work programs/timeframes with both the Commission's current work program and annual review of potential new major planning projects; and other issues of concern.

Upon conclusion of the discussion, the Commission requested that staff provide a list of pros and cons for each element of the retreat-related projects at the September 21, 2004, Work Session for discussion so the Commission could determine the appropriate course of action.

In conjunction with discussion relative to the Growth Management Retreat Actions, staff addressed the issue of Subdivision Cash Proffers for Off-Site Road Improvements and requested the Commission schedule the item for discussion at the September 21, 2004, Work Session and, at that time, schedule October 19, 2004, for a public hearing.

Upon conclusion of the discussion, the Commission directed staff to schedule the Subdivision Cash Proffers for Off-Site Road Improvements for discussion at the September 21, 2004, Work Session and indicated, at that time, the Commission would consider scheduling the matter for public hearing at the October 19, 2004, meeting.

G. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their September 2004 Work Program, as outlined by Mr. Turner.

H. RECESS.

There being no further business to discuss, the Commission recessed at approximately 2:00 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the June 15, 2004, Planning Commission minutes, deferred from the previous meeting and the July 20, 2004, Planning Commission minutes.

On motion of Mr., seconded by Mr., the Commission resolved to approve the June 15, 2004, Planning Commission minutes, with the following corrections:

JUNE 15, 2004:

Page 5, paragraph 13:

"Mr. Gecker, Chairman, called the Afternoon Session to order at approximately **3:00 p.m.** in the Public Meeting Room of the Chesterfield County Administration Building."

Page 41, paragraphs 6 and 7:

"Mr. Caleb Johnson, a County resident, presented the Commission with petitions signed by 269 concerned citizens, which he requested be added to the previously submitted 1,500 petitions from the Task Force for Responsible Growth and the approximately 300 petitions submitted in April 2004, all of which opposed additional growth within the Upper Swift Creek area.

"In response to Mr. Johnson's request, When asked, approximately 100 individuals stood in opposition to the proposal.

~~"Mr. Caleb Johnson,~~ Ms. Kayla Siwieg, Mr. Bruce Moseley, Mr. Paul Strehler, Ms. Julie Bergeron, Mr. Larry Hollester, Ms. Barbara Hollester, Mr. Peter Martin, Mr. Nat Wooding, Mr. Mike Kirk, Ms. Jenna Barbee, Mr. Justin Bryson, Mr. Ted Lushch, Ms. Kathy Kirk, Mr. Billy Barbee, Mr. David Walker, Mr. Bill Hastings, Dr. Betty Hunter-Clapp, Ms. Kitty Snow, Ms. Marlene Durfee, Mr. Patrick Spraker, Mr. Jane Jones, and Mr. Robert Huddleston, area residents and members of community associations and/or environmental groups, submitted letters and petitions and presented a PowerPoint presentation in opposition to the request, citing concerns relative to lack of sufficient public facilities (water and sewer) to accommodate the development; cash proffers being insufficient to pay for additional future infrastructures to serve the property; substandard and deteriorating road conditions without sufficient current and/or future funding to accommodate maintenance, repair or replacement; adverse impact to environmental and ecological elements; maintaining the rural character and integrity of the community; and other concerns."

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

On motion of Mr., seconded by Mr., the Commission resolved to approve the July 20, 2004, Planning Commission minutes, with the following corrections:

JULY 20, 2004:

Page 9, paragraph 6:

"Mr. Gecker, Chairman, called the Afternoon Session to order at approximately **3:03** p.m. in Room 502 of the Chesterfield County Administration Building."

Page 25, paragraph 3:

"Ms. Gloria Freye, the applicant's representative, did not accept staff's recommendation, noting the applicant wished to be able to access both Route 10 and Centralia Road and was willing to construct a temporary right-in only entrance and would agree to remove the entrance at the time shared access became available; that the temporary right-in only entrance met the criteria for, and was acceptable to, the Virginia Department of Transportation (VDOT) and was an equitable solution for both the applicant and adjacent property owner. She stated the proposal would have no adverse impact on the adjacent property and asked the Commission to forward a favorable recommendation to the Board of Supervisors."

Page 25, paragraph 5:

~~"No one came forward to speak in favor of, or in opposition to, the request."~~

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL REQUEST BY APPLICANT.**

00PR0149: In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to the December 13, 2004, of consideration for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

No one came forward to represent the request.

Staff noted the applicant had submitted written documentation requesting deferral to the December 13, 2004, Planning Commission public hearing.

Since no one was present to represent the request, the Commission agreed to place Case 00PR0149 after the discussion agenda to allow the applicant an opportunity to arrive at the meeting.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PM0356: In Bermuda Magisterial District, **DR. SAMUEL W. GALSTAN** requested Planning Commission approval for a buffer reduction in conjunction with the approval of a minor site plan for a building addition. This project is commonly known as **GALSTAN DENTAL OFFICE ADDITION**. This request lies in a Neighborhood Business (C-2) District on three (3) parcels fronting approximately 240 feet on the south line of Iron Bridge Road, also approximately 180 feet on the west line of East Booker Boulevard. Tax IDs 780-652-4572, 5268 and 5963 (Sheet 26).

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation, as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of a fifteen (15) foot reduction on Lot 4 only for Case 04PM0356, Dr. Samuel W. Galstan (Galstan Dental Office Addition), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS:

1. This fifteen (15) foot buffer reduction applies to Lot 4 only.
2. At such time as the remaining lots fronting along Iron Bridge Road are developed, storm water drainage shall be routed to minimize removal of existing trees and buffer plantings within the existing storm sewer easement to maintain an equivalent to perimeter landscape "B". If the required drainage design for future development on the adjoining lots requires

clearing of the drainage easement, the board fence shall be reinstalled within the remaining buffer and perimeter landscape "B" or its equivalent shall be planted.

3. This buffer reduction shall apply only to office uses. Any use other than office use will require another action to reduce the buffer, or the buffer must be re-established in accordance with Ordinance requirements.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04PS0397: In Midlothian Magisterial District, **TOMAC CORP., SILVER CREEK DEVELOPMENT CORP. AND TWIN CREEK DEVELOPMENT CORP.** requested Planning Commission approval of a schematic plan. This project is commonly known as **BROOKCREEK SUBDIVISION**. This request lies in Light Industrial (I-1), Corporate Office (O-2) and Residential (R-9) and (R-25) Districts on an 80.66 acre parcel fronting approximately seventy (70) feet on the northern terminus of North Otterdale Road, also fronting approximately 2,000 feet on Salisbury West Service Road. Tax ID 719-712-3308 (Sheets 1 and 5).

Mr. Todd Chalmers, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of the schematic plan for a proposed single family subdivision for Case 04PS0397, Tomac Corp., Silver Creek Development Corp. and Twin Creek Development Corp. (Brookcreek Subdivision), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. A fifty (50) foot undisturbed buffer shall be provided on the I-1 tract if it is utilized for commercial purposes, or a 100 foot undisturbed buffer shall be provided on the tract if the tract is utilized for industrial purposes. All buffers shall comply with the standards established in Section 17-70 of the Subdivision Ordinance. (P)
2. Tract II lots shall conform to R-15 bulk requirements. (P)
3. The applicants propose to develop both single family traditional and row houses, in Tract I. There are two (2) possible configurations that would be acceptable. The developer shall obtain tentative approval based upon one (1) of the following configurations:
 - (a) If the row houses and traditional single family lots front across the same street, the lot widths of the row house lots shall not be less than seventy (70) feet to be compatible with the minimum R-9 standard of seventy-five (75) feet and the front yard setbacks shall match the R-9 standards; or
 - (b) Similar lot sizes shall be clustered and front onto the same street. Transitions between dissimilar lots sizes shall occur utilizing corner lots and/or open space. The setbacks in this case shall be per the zoning case.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PW0117: In Clover Hill Magisterial District, **MARK SOWERS** requested Planning Commission approval for a waiver of development standards regarding paving and curbing. Specifically, the applicant requests a waiver to Section 19-514(d)(1) of the Zoning Ordinance to allow a portion of a proposed parking area to be gravel, without concrete and gutter. This project is commonly known as **GENITO EXPOSITION CENTER**. This request lies in a Light Industrial (I-1) District on part of a 57.1 acre parcel lying approximately 620 feet off the east line of Genito Road, also fronting approximately 1,570 feet on Genito Place and fronting approximately 1,570 feet on Route 288. Tax ID 732-689-Part of 5376 (Sheet 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission found Case 05PW0117, Mark Sowers (Genito Exposition Center), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-514(d)(1) of the Zoning Ordinance to allow a portion of a proposed parking area to be gravel, without concrete curb and gutter, subject to the following conditions:

CONDITIONS:

1. The areas of gravel parking within the site shall be visually separated and minimized from the public road, internal circulation and paved parking areas through the use of large planting islands, berms and landscaping generally as shown on the attached plan.
2. Planting islands and areas functioning as visual separations shall utilize an automatic irrigation system.
3. Any gravel surface parking along the northern property line shall be set back a minimum of twenty five (25) feet from that line. Existing preserved vegetation shall be supplemented with evergreen material as approved by the Director of Planning. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04TW0392: In Dale Magisterial District, **RICHARD WAYNE BROWN** requested Planning Commission approval of a development standards waiver to Section 19-510(a)(1) to permit a boat to be parked in an area of the rear yard outside the required rear yard area. This request lies in a Residential (R-12) District on a 0.3 acre parcel fronting approximately 169 feet on the eastern line of Boonesboro Drive, also fronting approximately 125 feet on Boones Trail Road and located in the northeast quadrant of the intersection of these roads. Tax ID 756-685-9739 (Sheet 11).

Mr. Litton stated, although he was not aware of any opposition, his policy was to offer a meeting within the community to allow area residents to express any concerns they may have and, since he only became aware last week that a community meeting had not been held, he felt it appropriate to defer the request to the September 21, 2004, meeting to allow such a meeting.

Mr. Richard Wayne Brown, the applicant, stated he had no objection to Mr. Litton's deferral of Case 04TW0392.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04TW0392, Richard Wayne Brown to the September 21, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PS0111: In Clover Hill Magisterial District, **MARK SOWERS** requested schematic plan approval, as required by zoning Case 79S142 and also a buffer reduction along Genito Place. This project is commonly known as **GENITO EXPOSITION CENTER**. This request lies in a Light Industrial (I-1) District on part of a 57.1 acre parcel lying approximately 620 feet off the east line of Genito Road, also fronting approximately 1,570 feet on Genito Place and fronting approximately 1,570 feet on Route 288. Tax ID 732-689-Part of 5376 (Sheet 10).

Mr. Mawby presented an overview of the request and staff's recommendation for approval, including the Addendum.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum. He referenced and distributed copies of a letter relative to transportation improvement commitments from the applicant which stated that a permanent access from Genito Road to serve the Exposition Center would be provided when the adjacent parcel to the south (Tax I.D. 7326895376) or when the parcel to the southwest (Tax I.D. 7316895633) was developed, subject to VDOT and CDOT approval.

In response to a question from Mr. Bass, Mr. Scherzer stated the proposed development would have no impact on adjacent property floodplains, citing amended Condition 2 requiring the majority of drainage to be conveyed and discharged to the north.

Mr. Doug Pritchard from the Environmental Engineering Department concurred with Mr. Scherzer's comments.

Upon conclusion of discussion relative to transportation concerns, Mr. Gulley read a condition regarding traffic signal installation at the intersection of Genito Place and Genito Road which he requested be added to the request as Condition 6. He also requested the letter submitted by Mr. Scherzer become a part of the official record.

Mr. Scherzer stated the condition, as read by Mr. Gulley, pertaining to traffic signal installation at the intersection of Genito Place and Genito Road was acceptable.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that schematic approval, as required by zoning Case 79S142 and a seventy-five (75) foot reduction to a required 100 foot buffer along Genito Place in conjunction with schematic plan approval for Case 05PS0111, Mark Sowers (Genito Exposition Center), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS:

1. Based on the submitted schematic plan, the following items are considered as being necessary to the proposed facility.
 - A. Emergency fire apparatus access shall be provided around the entire perimeter and adjacent to the building, in accordance with the International Fire Code (2000) edition.
 - B. The proposed second emergency fire apparatus access road, indicated on the schematic plan, shall be required until such time as the property adjacent (south of the proposed exposition center) is developed and a permanent concrete or asphalt roadway from Genito Road to the internal roadway system is provided. Design, construction and maintenance of this second emergency fire apparatus access roadway shall be the responsibility of the developer. (Fire)
2. Due to existing drainage problems to the south down through Brandermill, the majority of drainage from this project, as determined by Environmental Engineering at the time of site plan review, must be conveyed and discharged to the north. (EE)
3. Provisions must be made on-site for the conveyance of as much drainage as possible through the site from future development on the parcel to the south. (EE)
4. The remaining twenty-five (25) foot buffer along Genito Place shall be exclusive of easements and will use a combination of berms and 1.5 landscape "C" or the existing vegetation shall be preserved with additional plantings of evergreen shrubs and trees to break up views of large expanses of parking and screen the fronts of cars from the public road. Final designs shall be as approved by the Director of Planning. (P)
5. If berms with new landscaping are used along Genito Place, an automatic irrigation system must be installed to provide water to plants.
6. Prior to any site plan approval, bond or other surety, in a form acceptable to the County Attorney and in an amount acceptable to the Transportation Department, shall be provided to the Transportation Department for the installation of a traffic signal at the intersection of Genito Place and Genito Road. If the traffic signal is warranted, as determined by the Transportation Department, the Developer shall be responsible for installing the traffic

signal. Upon a written request by the Developer, if the signal is not warranted at this intersection, as determined by the Transportation Department, within three (3) years from the date of the issuance of an occupancy permit for the improvements shown on the schematic plan, the bond or surety shall be returned.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

00PR0149: In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to December 13, 2004, of consideration for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. LaVerne Cole, the applicant, apologized for his tardiness and requested deferral of Case 00PR0149 to the December 13, 2004, Planning Commission meeting to allow consideration of an alternative use for the proposed site.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 00PR0149, LaVerne C. Cole (Cole C'Store), to the December 13, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. ADJOURNMENT.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission adjourned the Work Session at approximately 3:30 p. m., agreeing to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Jack Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Fred Moore led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the September 21, 2004, agenda was comprised of eleven (11) cases, the October 19, 2004, agenda was comprised of fifteen (15) cases and the November 16, 2004, agenda was comprised of eleven (11) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ REQUESTS FOR DEFERRAL BY APPLICANT.

04SN0306: In Dale Magisterial District, **MIDLOTHIAN ENTERPRISES, INC.** requested deferral to November 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to setback requirements. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 61.4 acres lying approximately 960 feet southeast of the terminus of Waterfowl Flyway, also lying approximately 860 feet off the north line of Nash Road approximately 475 feet east of Eastfair Drive. Tax ID 762-655-7397 (Sheet 25).

No one was present to represent the request.

Staff noted the applicant had submitted written documentation requesting deferral to the November 16, 2004, Planning Commission public hearing.

Since no one was present to represent the request, the Commission agreed to place Case 04SN0306 at the end of the agenda to allow the applicant an opportunity to arrive at the meeting.

04SN0307: In Matoaca Magisterial District, **WILLIAM B. AND GENE DUVAL** requested deferral to September 21, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.75 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 15 acres lying approximately 2,500 feet off the northwest line of Second Branch Road, approximately 1,880 feet northeast of River Road. Tax ID 730-646-Part of 6067 (Sheets 31 and 32).

Ms. Kristen Keatley, the applicant's representative, requested deferral to the September 21, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0307 to the September 21, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to November 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the November 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0224 to the November 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Turner recalled Case 04SN0306, Midlothian Enterprises, Inc.

04SN0306: In Dale Magisterial District, **MIDLOTHIAN ENTERPRISES, INC.** requested deferral to November 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to setback requirements. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88

zoning. This request lies on 61.4 acres lying approximately 960 feet southeast of the terminus of Waterfowl Flyway, also lying approximately 860 feet off the north line of Nash Road approximately 475 feet east of Eastfair Drive. Tax ID 762-655-7397 (Sheet 25).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the November 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0306 to the November 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

04SN0227: In Dale Magisterial District, **GELLETLY & ASSOC.** requested rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Litton stated he was awaiting the results of a noise study being conducted by the applicant and wished to defer the request to the September 21, 2004, Planning Commission public hearing to allow him the opportunity to review the findings.

Ms. Kristen Keatley, the applicant's representative, stated the applicant had no objection to Mr. Litton's deferral of the request.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04SN0227 to the September 21, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0287: In Bermuda Magisterial District, **GREENBRIAR DEVELOPMENT LLC** requested Conditional Use and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 to 4.0 units per acre or less. This request lies in Residential (R-7 and R-12) Districts on 0.9 acre fronting the eastern terminus of Overridge Drive. Tax IDs 790-639-Part of 3992 and 790-640-Part of 9502 (Sheet 34).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0287 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. A temporary model home (sales office) shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Greenbriar Woods Subdivision) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Greenbriar Woods Subdivision). (P)
5. The public water and wastewater systems shall be used. (U)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0297: In Midlothian Magisterial District, **WILLIAM P. SOWERS CONSTRUCTION CO.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.2 acres lying approximately 500 feet off the east line of Wal-Mart Way approximately 800 feet north of Midlothian Turnpike. Tax IDs 736-709-1439 and Part of 4223 (Sheet 6).

Mr. George Bryant, the applicant's representative, accepted staff's recommendation.

Mr. Gecker expressed concern that he had not been contacted by the applicant prior to the hearing nor invited to attend any community meeting for this request, noting that in accordance with the Commission's policy, the request could be deferred.

In response to Mr. Gecker's comments, Mr. William Sowers, the applicant, apologized for not contacting Mr. Gecker to discuss the case prior to the meeting, indicating he would do so with respect to future cases; stated he had telephoned adjacent property owners; and pointed out that a delay would adversely impact his construction timeframe which needed to coincide with the Wal-Mart project timeframe.

Mr. Litton indicated that, having been involved in the recent zoning cases on the adjacent sites for Wal-Mart, Sowers and Poseidon Swim Club, he was aware of the applicant's intent to rezone this remaining parcel and noted no opposition to this in his dealings with the community.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0297 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 736-709-1439 and 736-709-4223 (part) containing a total of 1.2 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property to C-3 for development of retail uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

Proffered Conditions

1. Uses. No portion of the Property shall be used for any of the following:
 - (a) Cocktail lounges and nightclubs
 - (b) Hospitals
 - (c) Hotels
 - (d) Flea markets
 - (e) Free-standing fast food restaurants.
 - (f) Any use with drive-in or drive-through facilities.
 - (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
 - (h) Coin operated dry cleaning, laundry and Laundromats.
 - (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.

- (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Continuous outside display of merchandise for sale pursuant to Section 19-159(i) of the Zoning Ordinance other than within or within 100 feet of a garden center and limited to products related to the garden center operation.
 - (o) Outside runs for veterinary hospitals.
 - (p) Massage clinics except when located within a health club, tanning salon or similar facility.
 - (q) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis.
 - (r) Motor vehicle sales or rentals. (P)
2. Building Heights. Buildings on the Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height. (P)
3. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
4. Water and Wastewater. Public water and wastewater systems shall be used. (U)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
6. Transportation; Access Road to Wal-Mart Way.
- (a) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" ("Point D") on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A"), a copy of which was filed with Case No. 03SN0246, to the common boundary line between the Property and the parcel identified as Tax ID 736-709-3667, including rights of way across the parcels identified as Tax ID's 736-708-1856, 735-709-8503 and 736-709-4223 shown as "Point F" on Zoning Exhibit A ("Point F"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.
 - (b) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Gecker, Litton, Wilson and Bass.
ABSTENTION: Mr. Gulley.

04SN0298: In Dale Magisterial District, **OMNIPOINT COMMUNICATIONS** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 0.2 acre and is known as 4901 Cogbill Road. Tax ID 778-683-Part of 5373 (Sheet 12).

Mr. Richard Nayduch, the applicant's representative, accepted staff's recommendation.

Mr. Russell Drumheller, an adjacent property owner, stated he would oppose the request until such time as his concerns relative to an easement problem were resolved.

In response to Mr. Drumheller's comments, Mr. Litton indicated the easement issue did not affect the subject request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0298, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. Any communications tower shall be co-located on a lighting structure for the athletic field. (P)
2. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted. (P)
4. Any building or mechanical equipment shall comply with Section 19-603 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-603 would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 125 feet. (P)

6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

PROFFERED CONDITIONS

1. The light switch for the athletic field shall be relocated to a position approved by the school officials. (P)
2. While the communications tower is under construction, all athletic field lights shall remain operational between the hours of 6:00 PM and 6:00 AM., except for those dates which may be approved by the Athletic Director. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0299: In Midlothian Magisterial District, **ST. JOSEPH'S CATHOLIC CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 19.7 acres and is known as 828 Buford Road. Tax ID 757-709-2787 (Sheet 7).

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0299 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except where the requirements of the underlying R-15 zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas, except for buffers. (P)
2. The operation of the private school shall be in conjunction with a church use only. (P)
3. The setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north and south. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices

designed to achieve the buffering standards contained in Section 19-522 (a)(2) of the Zoning Ordinance.

- b. If active play fields, courts, swimming pools or similar active recreational areas are setback more than 100 feet from the adjacent properties to the north and south, the landscaping or other design features described in 3.a. may be modified by the Planning Department at the time of site plan review. Such modifications shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback / landscaping requirements described in Condition 3.a.
 - c. Playground areas which accommodate swings, jungle gyms or similar such facilities shall be setback a minimum of fifty (50) feet from all property lines. (P)
- 4. Unless and until any active uses or any improvements are located within 125 feet of the southern property boundary adjacent to Summit Acres Subdivision, any healthy trees that are two (2) inches in caliper or greater shall be retained within this 125 foot setback. This condition shall not preclude the removal of vegetation from this 125 foot setback that is unhealthy, dying or diseased. (P)
 - 5. At such time that any active uses or any improvements are located within 125 feet of the southern property line adjacent to Summit Acres Subdivision, a fifty (50) foot buffer shall be provided along this southern property line. This buffer shall comply with Section 19-520(a), 19-521 and 19-522(a)(2) of the Zoning Ordinance. (P)
 - 6. No vehicular or pedestrian connections shall be permitted to the Summit Acres Subdivision. (T)
 - 7. School enrollment shall not exceed 350 students. (P)
 - 8. Direct access from the property to Buford Road and to Pinetta Drive shall be limited to the existing entrances/exits onto each roadway. Any relocation of these accesses shall be approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0301: In Dale Magisterial District, **ROCKWOOD GOLF PARK** requested amendment to Conditional Use Planned Development (Case 89SN0118) and amendment of zoning district map to permit additional outdoor recreational uses (paint ball activities). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in Agricultural (A) and Community Business (C-3) Districts on 0.2 acre and is known as 10211 Hull Street Road. Tax ID 748-684-Part of 6098 (Sheet 10).

Mr. Tom Mathews, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0301, subject to the following condition:

CONDITION

In addition to those uses permitted by Case 89SN0118, paint ball facilities shall also be permitted within the limits of the subject property only. (P)

(Note: This condition modifies Condition 3 of Case 89SN0118 for the subject property only. Except as amended by this request, all previous conditions for Cases 89SN0118 and 01SN0188 shall remain in effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0309: In Clover Hill Magisterial District, **YORKSHIRE LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.3 acres and is known as 8321 Elkhardt Road. Tax ID 758-700-3539 (Sheet 7).

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0309 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. Prior to any site plan approval, thirty-five (35) feet of right of way on the south side of Elkhardt Road, measured from the centerline as approved by the Transportation Department, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
7. There shall be no direct access from this property to Elkhardt Road. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0310: In Matoaca Magisterial District, **FOX CREEK DEVELOPMENT, INC.** requested Conditional Use and amendment of zoning district map to permit model homes plus amendment to rezoning (Case 04SN0116) for relief to public utility use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-12) District on 2.6 acres fronting approximately 300 feet on the south line of Woolridge Road approximately 1,600 feet west of Fox Club Road. Tax ID 712-676-Part of 4582 (Sheet 15).

Mr. Wilson stated the applicant was a current client of his law firm, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Case 04SN0310, Fox Creek Development, Inc., and excused himself from the meeting at approximately 7:22 p.m.

Mr. George Bryant, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0310 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Temporary model homes (sales offices) shall be permitted in a maximum of four (4) modular office units provided such units shall be utilized for a maximum of twenty-eight (28) months from the date of approval of this request. At the end of the twenty-eight (28) months, the modular office units shall be removed. (P)

2. The model homes (sales offices) shall only be used to market the development (Fox Creek Subdivision) in which they are located and shall not be used for the sale of lots or houses outside of the development in which they are located. (P)
3. The model homes (sales offices) shall not be the primary real estate office for the companies marketing the development. (P)
4. The model homes (sales offices) shall be incidental to construction activity taking place within the development (Fox Creek Subdivision). (P)
5. With the exception of temporary modular sales offices, the public water and wastewater systems shall be used. (U)

(Note: This Proffered Condition supercedes Proffered Condition 2 of Case 04SN0116 for the request property only.)

AYES: Messrs. Gecker, Litton, Gulley and Bass.
 ABSENT Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 7:23 p. m.

At the Commission's request, Mr. Turner called Case 04SN0267, Randell L. Hodges and Susan L. Hodges.

04SN0267: In Matoaca Magisterial District, **RANDELL L. HODGES AND SUSAN L. HODGES** requested Conditional Use and amendment of zoning district map to permit stock farm use (keeping of horses). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 2.1 acres and is known as 14621 North Ivey Mill Road. Tax ID 735-631-2957 (Sheet 39).

Mr. Randell Hodges, one of the applicants, requested clarification of Proffered Condition 1 and upon conclusion of staff's explanation, accepted the recommendation and conditions.

There was opposition present; therefore, it was the consensus of the Commission to place Case 04SN0267 at the end of the Consent agenda.

05SN0119: In Dale Magisterial District, **THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested amendment to Conditional Use and Conditional Use Planned Development (Case 91SN0222) and amendment of zoning district map to delete outside storage restrictions plus Conditional Use to permit contractors' offices and display rooms and outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in Light Industrial (I-1) and General Business (C-5) Districts on 318.6 acres fronting approximately 7,900 feet on the north and south lines of Whitepine Road approximately 2,200 feet west of Iron Bridge Road and is known as Chesterfield Industrial Park. Tax IDs 762-673-9607; 763-672-6718; 763-673-5223 and 8643; 763-674-3879; 764-670-9694; 764-671-5216 and 7534; 764-672-1870, 6418 and 9898; 764-673-1482, 4558 and 7326; 765-670-1577, 4242, 5365, 6637, 7072, 8484, 8515, 8959 and 9399; 765-671-0055, 1576, 2629, 2886, 5407, 5456, 8090, 8125 and 9678;

765-672-2762, 4633, 6215 and 7304; 766-669-1887, 3384, 4864 and 8576; 766-670-0607, 1344, 1683, 2927, 3163, 4843, 6917, 8074 and 8404; 766-671-1171, 1560, 2154, 2839, 4028 and 5411; 767-669-0056, 2749, 4391, 5811, 6235, 7077, 8864 and 9931; 767-670-1140 and 2625; and 768-669-3010 (Sheet 17).

Ms. Karen Aylward, agent for the applicant, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0119, subject to the following conditions:

CONDITION

1. Outside storage shall be permitted as accessory to a permitted or restricted use, provided that:
 - a. Such storage shall be screened from view of public road rights of way. Screening shall be accomplished by the use of building design, landscaping, berms and opaque fencing and/or a combination thereof. The exact treatment shall be approved at the time of site plan review;
 - b. No more than ten (10) percent of the lot area of the principal use on any zoning lot may be used for outside storage, provided that such area does not exceed a maximum of 3,500 square feet; and
 - c. Outside storage shall be restricted to internal side (not corner side) and rear yard areas and shall observe the minimum required setbacks for parking areas. (P)

(Note: With the approval of this request, Condition 2 of Case 91SN0222 shall be deleted. All other conditions of Cases 91SN0222 and 94SN0137 shall remain in effect.)

2. Construction vehicles, to include but not limited to, dump and concrete trucks, backhoes, bucket trucks, pavers and earth-moving equipment, shall not be permitted to be stored on site. This shall not preclude the storage of flat-bed or similar trucks and trailers used to transport construction materials to and from construction sites. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PD0101: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PUBLIC SCHOOLS** requested Substantial Accord Determination to permit a public high school on 80.7 acres fronting approximately 1,900 feet on the south line of Genito Road, also fronting approximately 2,400 feet on the west line of Route 288 and located in the southwest quadrant of the intersection of these roads. Tax IDs 732-687-3969 and 733-686-0961 (Sheet 10).

Ms. Orr presented an overview of the request and staff's recommendation.

Ms. Cynthia Owens-Bailey, the applicant's representative, accepted staff's recommendation and stated she was available to answer any questions.

Mr. Gecker opened the discussion for public comment.

Ms. Kathleen Martin, representing the Brandermill community, and Mr. Ted Salmon, Director of Student Activities at Clover Hill High School, voiced support for the proposal and urged the Commission to forward a favorable recommendation to the Board of Supervisors.

Ms. Marlene Durfee, representing the Task Force for Responsible Growth, voiced opposition to the request, citing area middle school needs being more imperative than the need for another area high school and urging the County to consider resolving the middle school issue before proceeding with another high school project.

Ms. Brenda Stewart, a Matoaca District resident, voiced opposition to the request, referenced the recently approved Public Facilities Plan, which she stated reflected no documented or legitimate need for an additional high school prior to 2012. She cited concerns relative to when and how the decision was made to replace Clover Hill High School; the County's justification for spending money on a new high school before addressing other more urgent school facility needs; rezoning of the site could result in the loss of potential light industrial development in the area; a comparison of cost and benefits for this site with costs and benefits of other possible sites; etc. She suggested that, prior to the County authorizing any further spending for school sites or school buildings, an independent review of the current system be conducted, with attention to the actions that led to the current contract for the Cosby Road High School and requested that the County publicly address the flawed process used/being used to spend the taxpayers' money on schools.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from Mr. Gecker, Ms. Orr explained staff's rationale for recommending approval of the request, pointing out that the recommendation was consistent with the current Public Facilities Plan and that schools are suggested uses within the Regional Mixed Use area of the Upper Swift Creek Plan. She stated while the proposed high school is not specifically listed in the Plan recommendations and given a specific timeframe like new and expanded facilities, the Plan suggests school replacements and conversions are appropriate. She added that specific timeframes are not specified in these instances to allow for flexibility in determining school needs, provided such facilities meet the Plan criteria which, in this case, suggests that a replacement for Clover Hill High School should be located generally north of Hull Street Road, east of Old Hundred Road.

There was discussion relative to transportation issues and upon conclusion of the discussion, Mr. McCracken offered amendments to Conditions 2 and 3.d. addressing the Commission's concerns relative to one (1) access from the property to Genito Road which would align with the crossover on Genito Road serving Genito Place and construction of two (2) lanes of the Site Road from Genito Road to Old Hundred Road which would directly align Brandermill Parkway at its intersection with Old Hundred Road.

In response to questions from the Commission, Ms. Owens-Bailey accepted amended Conditions 2 and 3.d.

There was discussion relative to drainage from the site to adjacent properties and upon conclusion of the discussion, Mr. McElfish offered Condition 5 requiring the installation of drainage improvements such that the 100 year floodplain would not adversely impact any homes between Old Hundred Road and the 100 year floodplain for Nuttree Creek.

In response to questions from the Commission, Ms. Owens-Bailey accepted Condition 5.

There was discussion relative to the guidance and recommendations of the Public Facilities Plan regarding timing for expanded and new high school facilities between 2003 and 2022, one of which reflected that "If the existing Clover Hill High School is replaced with a new school, the new school should open in 2009 or later."

At the request of Mr. Gecker, staff offered an additional condition that the proposed high school shall not be open to students prior to the 2009 school year.

In response to questions from the Commission, Ms. Owens-Bailey accepted Condition 6, stating the School Administration had no problem with the condition.

Mr. Gulley stated he supported the School Administration's choice and flexibility in selecting sites as well as their priority arrangements in the Public Facilities Plan; that, in this instance, he felt not acting now on available land for school sites, particularly in this area, could be a mistake for the County and waiting too long would severely limit potential sites; that the proposed site met the criteria, as outlined in the Plan, and he was prepared to recommend approval of the request.

Mr. Wilson referenced the comments of the public speakers but pointed out the limited scope of the Planning Commission and hoped the public understood the Commission's role in the process.

Mr. Bass stated this case had been complicated; that he did not agree with location and had concerns about drainage issues on the property; and noted his major concern was the price being paid for the land and the additional money that may be needed to acquire additional land for access roads and environmental surveys. He stated he felt the focus should be on resolving the middle school overcrowding problems and the issue should be considered a higher priority than the Genito Road site; however, despite his concerns, he would support the request for the benefit of his constituents and those in the Clover Hill District.

Mr. Litton concurred with Mr. Bass that the focus should be on resolving the middle school overcrowding problems, not high schools; asked Ms. Stewart to forward the information she presented to the School Board and/or County Administration for review; and stated that with the amended and additional conditions addressing transportation and environmental issues and the opening of the school in 2009, he reluctantly supported the request.

Mr. Gecker questioned why the request was back before the Commission with the same data that was presented last year, which he noted was insufficient on which to base a decision; stated the issue was not the cost or location but whether or not the site complied with the Public Facilities Plan, indicating he did not believe the site complied with the Plan criteria and that the request was premature; applauded the School Board for actively searching for school sites but questioned what sites, other than this one, had been considered; pointed out that there appeared to be such a rush to replace Clover Hill High School that there

was a willingness to accept this site without giving consideration to other locations; stated the need for new schools in the County was acute; and that he intended to support the bond referendum for that purpose; however he did not intend to support the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission found Case 05PD0101 to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, development of the Agricultural (A) property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

(NOTE: Development of the I-1 property must conform to the requirements of the I-1 District plus the conditions of zoning Case 80S003).

2. Direct access from the property to Genito Road shall be limited to one (1) access (the "Site Road") and shall align the crossover on Genito Road that serves Genito Place. (T&CPC)
3. Prior to the issuance of an occupancy permit, the following road improvements shall be constructed, as determined by the Transportation Department:
 - a. Construction of additional pavement along the eastbound lanes of Genito Road at each approved access to provide a right turn lane.
 - b. Construction of additional pavement along the westbound lanes of Genito Road at the Site Road intersection to provide an adequate left turn lane. The exact length of this improvement shall be approved by the Transportation Department.
 - c. Construction of a concrete sidewalk along the south side of Genito Road from East Boundary Road to the Site Road.
 - d. Construction of two (2) lanes of the Site Road from Genito Road to Old Hundred Road. The exact alignment of this road shall be approved by the Transportation Department and shall align Brandermill Parkway at its intersection with Old Hundred Road. (T&CPC)
 - e. Construction of additional pavement along Old Hundred Road at the Site Road intersection to provide left and right turns lanes.
 - f. Construction of the Site Road at its intersection with Genito Road as a four-lane typical section (i.e., one (1) southbound lane and three (3) northbound lanes), unless otherwise approved by the Transportation Department. The exact length of this improvement shall be approved by the Transportation Department.

- g. Construction of the Site Road at its intersection with Old Hundred Road as a four-lane typical section (i.e., one (1) eastbound lane and three (3) westbound lanes), unless otherwise approved by the Transportation Department. The exact length of this improvement shall be approved by the Transportation Department.
 - h. Traffic signalization at the Site Road/Genito Road and at the Site Road/Old Hundred Road intersection, if warranted as determined by the Transportation Department.
 - i. Construction of additional pavement along the Site Road at the northernmost access to the high school to provide a left turn lane, as determined by the Transportation Department.
 - j. Installation of flashing "School Zone" lights, if approved by VDOT, at all access locations. The exact locations shall be approved by the Transportation Department.
 - k. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 4. A setback distance of 200 feet, measured from the right-of-way of Route 288, shall be provided for any sound sensitive use, as determined by the Transportation Department. (T)
 - 5. The developer shall install drainage improvements such that the 100 year floodplain will not touch any homes between Old Hundred Road and the 100 year floodplain for Nuttree Creek. (EE&CPC)
 - 6. This high school shall not be open to students prior to the 2009 school year. (P&CPC)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
 NAY: Mr. Gecker.

Mr. Turner recalled Case 04SN0267, Randell L. Hodges and Susan J. Hodges.

04SN0267: In Matoaca Magisterial District, **RANDELL L. HODGES AND SUSAN L. HODGES** requested Conditional Use and amendment of zoning district map to permit stock farm use (keeping of horses). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 2.1 acres and is known as 14621 North Ivey Mill Road. Tax ID 735-631-2957 (Sheet 39).

Ms. Peterson presented an overview of the request and staff's recommendation.

Mr. Randell Hodges, one of the applicants, explained the proposal and accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Ms. Alice Supple, a resident of Ivy Mill Road, and Mr. and Mrs. Tommy Peterson, residents living within close proximity of the Hodges' property, requested the Commission deny the request, stating area residents wished to protect and preserve the community and citing concerns relative to the inappropriateness of the use, insufficient acreage to accommodate three (3) horses; problems with adequately maintaining pasture land, composting, insects, and odors; and the potential adverse impact to property values and area wells.

In rebuttal, Mr. Hodges stated the proposed use complied with the area Plan; the proposed conditions ensured land use compatibility with existing residential development on acreage lots; referenced other similar farms in the area of the same size and having the same use; and assured the Commission of his intent to comply with appropriate regulations and minimize any potential nuisances and/or problems.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated he had discussed the use with the applicants; felt the conditions were sufficient to regulate the request; if the applicants failed to comply with the conditions, they would lose their permit; the property owners immediately adjacent to the Hodges were in favor of the request; and he felt approval was appropriate.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0267, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Randell L. Hodges or Susan L. Hodges exclusively, and shall not be transferable nor run with the land. (P)
2. All facilities and areas associated with the keeping of horses (stables, pastures, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
3. This Conditional Use shall be limited to the keeping of three (3) horses. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

04SN0232: In Matoaca Magisterial District, **DOUGLAS SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 242.3 acres fronting approximately 4,000 feet on the west line of Otterdale Road, approximately 1,500 feet south of Old Hundred Road. Tax ID 714-694-7687 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the request failed to fully address the full impact of the development on area roads, including the dedication of the Powhite Parkway Extended right of way.

Mr. Harley Joseph, the applicant's representative, did not accept staff's recommendation; highlighted elements of the request and cited the applicant's proffered conditions, some of which addressed limiting density, providing right of way along Otterdale Road, extending off-site water lines and providing for the extension of the Powhite Parkway. He stated his client was addressing local, regional and community needs and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

Mr. Gecker opened the discussion for public comment.

Mr. Larry Kidd, a resident of Gamecock Road; Mr. Don Powell and Mr. Tom Lewis, residents of Swamp Fox Road; and Mr. William Bullock and Mr. Ben Heath, residents of Gamecock Road, voiced support for the request, stating they were satisfied with the development as proposed, felt the applicant would provide a quality development.

Mr. Peter Martin, a resident of Mount Hermon Road, voiced opposition to the request, citing the impact of the development on area roads including the lack of adequate road improvements, the use of area roads by heavy construction trucks and increased traffic volumes which would overburden an already stressed system; and the potential for a greater number of injuries and deaths if the project were approved without bringing the roads up to acceptable safety levels. He urged the Commission to recommend denial of the request.

Ms. Kathy Kirk and Ms. Marlene Durfee, President and Director, respectively, of the Task Force for Responsible Growth requested the Commission recommend denial of the request, as recommended in the "Request Analysis and Recommendation," noting the applicant's failure to fully address the impact of the development on area roads, including the dedication of the Powhite Parkway Extended right of way was costly to the County and would set a precedent that other developers may attempt to follow.

In rebuttal, Mr. Joseph reiterated his previous comments, addressed concerns expressed by the previous speakers, cited road improvements offered by the applicant and indicated the development community was contributing to the County as a whole.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated he was certain the applicant intended to provide a quality development and that, although he was satisfied with the overall request, he had concerns regarding the language of Proffered Condition 3.d., felt a recommendation for approval including such language would set a precedent and he could not support the request.

In response to discussion of issues relative to water quality, a standardized condition to address best management practices and the methodology used by the County and School Administration to determine the ratio of children per development that could potentially impact school enrollments, staff indicated follow-up information would be provided at the Commission's September meeting.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 04SN0232.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0257: In Bermuda Magisterial District, **CHESTER DEVELOPMENT ASSOCIATES, L.C.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 8.0 units per acre. This request lies on 7.9 acres fronting approximately 435 feet on the south line of De Laval Street and approximately eighty-five (85) feet on the north line of De Laval Street approximately 100 feet east of Womack Road, also fronting approximately 800 feet on the west line of De Laval Street approximately 1,060 feet north of Lee Street. Tax IDs 787-656-3321 and 4161 (Sheet 26).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the application failed to address construction of a North-South arterial and the proffered conditions did not mitigate the impact of the development on school facilities.

Mr. Jim Daniels, the applicant's representative, did not accept staff's recommendation, stating he felt he had sufficiently addressed the development's impact on capital facilities and partial funding for construction of the proposed North-South Arterial; and asked the Commission to forward a recommendation for approval to the Board of Supervisors.

In response to questions from the Commission, Mr. McCracken addressed transportation concerns, indicating that no public funds had been identified or were anticipated to become available in the foreseeable future for construction of the North/South Arterial and, without the applicants' commitment to construct the road along the property frontage, staff could not support the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0257 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The request property shall be subject to the regulations as outlined for the Residential Neighborhood Tract in the proffered conditions, conditions and Textual Statement for Case 95SN0309. (P)
2. The developer shall pay to the county \$33,000 towards the construction of the North-South Arterial from the southern property line to the northern property line. Prior to recordation of any lots, the developer shall provide to the county a bond or other surety, in a form acceptable to the County Attorney and in an amount of \$33,000 to ensure such payment. At such time as construction of the North-South Arterial has been completed to either the northern or southern property line, the developer shall provide \$33,000 payment to the county. After seven (7) years from the date that the county receives the bond or other

surety, if construction of the North-South Arterial has not been completed to either the northern or southern property line, at the request of the developer, the county shall return the bond or other surety to the developer and the developer shall be relieved of the obligation to provide such payment. (T)

3. There shall be no direct access from the property to the North-South Arterial adjacent to the property. (T)

4. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:

A. For all dwelling units initially constructed with more than 2 bedrooms:

1. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
2. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.

B. For all dwelling units initially constructed with 2 or less bedrooms and for each dwelling unit designated for Elderly/Retirement Housing (as defined in case 95SN0309):

1. \$4,815 per dwelling unit, if paid prior to July 1, 2004. At the time of payment the \$4,815 will be allocated to capital facilities categories as follows: Parks - \$598, Libraries - \$324, Fire Stations - \$346, Roads - \$3,547; or
2. The amount approved by the Board of Supervisors not to exceed \$4,815 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. Payments in excess of \$4,815 will be prorated as set forth above.

C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.

In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 10:34 p. m. to September 21, 2004, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date